



**UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/547,415 04/11/00 JAIN

F CONN-2

EXAMINER

IM52/1011

HUNG CHANG LIN
8 SCHINDLER COURT
SILVER SPRING MD 20903

GARRETT, D	
ART UNIT	PAPER NUMBER

1774
DATE MAILED:

10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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09/547,415	04/11/00	JAIN et al.	

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1774	7

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EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

- (1) Marie R. Yamnitzky (3)
(2) Mr. Hung Chang Lin (4)

Date of interview: 10/11/01

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached with respect to some or all of the claims in question. ☒ was not reached.

Claims discussed: 1-3, 5-8, 10-16, 18, 20, 22, 25-27, 29 and 38-44

Identification of prior art discussed: None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed requirement for election of species including identification of an ultimate species.

In the election filed 07/25/01, applicants elected claim 1 to be examined with traverse. This is taken to be an election of the species of claim 1. In the preliminary amendment filed 08/28/01, applicants amended all claims to be directly or ultimately dependent from claim 1. Examiner Yamnitzky pointed out that claim 1 is not a true generic claim for all pending claims. Some of the dependent claims require substitution/replacement of a layer of the device structure set forth in claim 1 with a different layer. Claims which substitute/replace a layer with a different layer do not read on the elected species and also are not proper dependent claims. Accordingly, claims 1-3, 5-8, 10, 12 and 44 read on the elected species. The remainder of the claims are not proper dependent claims and do not read on the elected species.

With respect to an ultimate species, claim 3 sets forth a Markush group of materials for the CNC layer and claim 5 sets forth a Markush group of materials for the wide energy gap semiconductor layers. Applicants should select one material from the Markush group of claim 3 and one or two materials (because there are two wide energy gap semiconductor layers) from the Markush group of claim 5. If two materials are selected from claim 5, applicants should specify which material is for the p-doped wide energy gap semiconductor layer and which material is for the wide energy gap semiconductor layer having n-type conductivity. Examiner Yamnitzky explained that the requirement for an identification of an ultimate species does not mean that the claims are or will be limited to that ultimate species. Rather, the ultimate species is used as the starting point for search and examination purposes.

Applicants are required to submit a written response to the notice of non-responsive reply, the notice having been mailed 10/05/01.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

- ☒ 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

§ 1.133 Interviews.....

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for response to Office actions as specified in §§ 1.111, 1.135, 1.35 U.S.C. § 132.

§ 1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral protests, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks, typed or in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the duplicate copy of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the telephone interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

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The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form in an attachment to the form, the examiner should check a box on the Form informing the applicant that he need not supplement the Form by submitting a separate record of the interview.

It should be noted, however, that the interview Summary Form will not be considered a proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- (1) A brief description of the nature of any exhibit shown or demonstration conducted.
- (2) An identification of the claims discussed.
- (3) An identification of specific prior art discussed.
- (4) An identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner.
- (5) A brief description of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the next office action. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner.
- (6) A general indication of any other pertinent matters discussed.
- (7) If appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter or the remainder of any period for response, whichever is longer, to complete the response and thereby avoid abandonment of the application. (37 C.F.R. § 1.135(c))

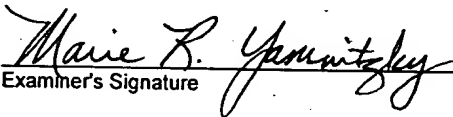
Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 of the second page of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

- ☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

PTOL-413 (REV. 2-93)


Examiner's Signature

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